



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,859	09/06/2001	Bronwyn Jean Battersby	21415-0005	4713

26633 7590 04/01/2003

HELLER EHRMAN WHITE & MCAULIFFE LLP
1666 K STREET, NW
SUITE 300
WASHINGTON, DC 20006

EXAMINER

EPPERSON, JON D

ART UNIT	PAPER NUMBER
1639	12

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FIC Copy

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/856,859	09/06/2001	Battersby, B. J.	21415-0005

EXAMINER	
Jon D. Epperson, Ph. D.	
ART UNIT	PAPER NUMBER
1639	12

DATE MAILED:

Non-Responsive Election (Bonafide)

Please find below a communication from the EXAMINER in charge of this application

The communication filed on **February 13, 2003** is not fully responsive to the communication mailed on **November 13, 2002**. Applicants failed to elect [1] a plurality of carriers e.g., 4 um silica microsphere (please show relevant structure, "ceramic" is not specific enough), [2] optically detectable dyes (please show relevant structure including all atoms, bonds and linkages to microsphere, applicant must also show wherein the microsphere the dyes are located using chemical structures), [3] what type of optical detection is used e.g., fluorescence, luminescence (see claim 18), [4] must specify the exact number of attributes associated with carrier i.e., 2, 3 (not "at least 2" or "at least 3"), [5] applicant must specify whether carrier is a colloidal particle, [6] applicant must specify the form (see claim 24) and diameter (see claim 28). Finally, applicant must indicate which claims read on the elected species (see Paper No. 9, paragraphs 11 and 19).

Since the response appears to be **bona fide**, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Jon D. Epperson, Ph. D., Art Unit 1639, whose telephone number is (703) 308-2423. The examiner can normally be reached on Monday through Friday from 9:00 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached at (703) 306-3217.

Jon D. Epperson
March 31, 2003

BENNETT CELSA
PRIMARY EXAMINER

